

Before the Board of Zoning Adjustment, D. C.

Application No. 11907 of Joseph Zagami, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to permit a change of non-conforming use from a dry-cleaning and laundry agency on first floor to a dentist's office, as provided by Sections 7104.2 and 7109 of the regulations, at the premises 200 5th Street, S. E., in the R-4 Zone, known as Lot 18, Square 843.

HEARING DATE: May 21, 1975

DECISION DATE: May 27, 1975

FINDINGS OF FACT:

1. Applicant proposes to change a non-conforming use in the R-4 Zone from a dry-cleaning and laundry establishment to a dentist's office on the first floor of a three story corner row house.
2. The second and third floors of the subject property are used as apartments.
3. The proposed general practice dentist's office is intended to serve residents of the surrounding Capitol Hill area and employees of both the Library of Congress and the United States Capitol offices which are within walking distance of the site. A minimal amount of automobile traffic will be generated from these patients.
4. No on-site parking is available if any patients transfer from the dentist's previous location. Uncontested testimony at Public Hearing states some street parking is available. Negotiations are underway to lease an approximate total of four (4) parking spaces from Liberty Savings and Loan Institution and the National Capitol Bank both within close proximity to the subject property.
5. The proposed dental office will include two (2) operatories and a laboratory for basic procedures. Laboratory facilities will not be utilized to take in work from other dental offices.
6. The proposed use is not an intensification of use. Both the existing non-conforming use and the proposed use are permitted in the C-1 District.

7. No opposition to the application was raised at Public Hearing.

8. The Capitol Hill Restoration Society, Inc. in a letter dated May 19, 1975 recommends approval of the application. The basis for the unanimous support is centered on the fact that the proposed use will have a minimal negative impact on the community with less traffic and less trash while providing a community service.

CONCLUSIONS OF LAW:

Upon consideration of the above findings of fact and the evidence of record, the Board finds that pursuant to Section 7104.2 the proposed non-conforming use is permitted in the C-1 District in which the existing non-conforming use is permitted. As provided in Section 7109 the Board concludes that the proposed use will be of service to the neighborhood and will not be objectionable or adversely affect the present character or future development of the neighborhood in accordance with the Zoning Regulations. The proposed non-conforming use will not generate any amount of noise or traffic which can reasonably be anticipated to cause a deleterious effect and the finds that approval of the application is in harmony with the integrity of the Zoning Regulations.

ORDERED:

It is hereby ordered that the application be GRANTED.


VOTE:

4-0 (Mr. Klauber not voting after not having heard the case.)

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BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER:

6/20/75

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.